

Exhibit 41

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

vs.

GOOGLE, INC.,

Defendant.

)

)

)

)

)

)Case No.:

)3:10-cv-03561-WHA

)

)

)

)

VIDEOTAPED DEPOSITION OF DOUGLAS SCHMIDT, Ph.D.
San Francisco, California
Friday, March 4, 2016
Volume 1

Reported by:

RACHEL FERRIER, CSR No. 6948

Job No. CS2265293

Page 10

1 place that I worked with experts was from a place called
2 Keystone.

3 Q And who -- who are these experts that you worked
4 with from Keystone?

5 A So I don't remember everybody's name, but there
6 were a few people. Rohit Chatterdee -- Chatterjee is
7 one, and Greg Richards is another, and Anon -- I never
8 can remember his last name -- he was one.

9 Q Were there any more besides those three?

10 A Those -- those are the main ones I worked with.

11 Q Craig Richardson, you said?

12 A No. Greg Richards.

13 Q Oh, Greg Richards. Thank you.

14 And you said the team of experts that you worked
15 with came -- well, my understanding is there were other
16 experts besides those from Keystone; is that correct?

17 MR. RAMSEY: Objection; form.

18 THE WITNESS: I don't quite understand the
19 question.

20 MR. KAMBER: Sure.

21 Q I -- I thought you said before that you met with
22 different teams of experts and that one of those teams
23 was from Keystone?

24 A Oh, I don't know where all the experts were from.

25 Q What other -- besides the three names that you

Veritext Legal Solutions

800-567-8658

973-410-4040

Page 11

1 just provided me from Keystone, did you meet with any
2 other experts in preparation for your deposition today?

3 A In preparation for the deposition today. So I
4 think there was one other person from Keystone.

5 Q But you don't remember that person's name?

6 A No.

7 Q Have you been working with Keystone throughout
8 this -- your involvement in this litigation?

9 A So my involvement in the litigation started
10 around the end of November in 2015, and they are the
11 ones who hired me.

12 Q Have you worked with any of the Keystone folks
13 before?

14 A No.

15 Q And what were these -- what was this team of
16 experts from Keystone doing for -- to help you for
17 purposes of this litigation?

18 A So, as you can imagine, there's a lot of
19 different things that went into my various reports, and
20 so they helped out with some of the aspects, under my
21 direction, in order to be able to do certain things like
22 create tables or be able to do various kinds of
23 experiments and so on, under my direction.

24 Q With respect to the experiments that were done --
25 well, I guess, perhaps, as we go through your report, we

Veritext Legal Solutions

800-567-8658

973-410-4040

Page 12

1 will evaluate with different tables and experiments, and
2 I may ask you who -- who performed those analyses.

3 But as a general matter, did you try to redo or
4 do yourself some of the work that Keystone did, or did
5 you rely on the information that you provided and put it
6 in your reports?

7 MR. RAMSEY: Objection; form.

8 THE WITNESS: Yeah, that's two -- two questions.

9 Do you mind breaking it down to one question at a
10 time, please?

11 MR. KAMBER: Sure.

12 Q With respect to the work that Keystone did for
13 purposes of putting it into your report and adopting it
14 as your own opinion, did you try to redo that -- that
15 testing?

16 A So everything that is in the report, of course, I
17 stand behind, but everything that's in the report I also
18 have gone through, carefully looked at the inputs;
19 looked at the various scripts, if there's scripts
20 involved; looked at the various output that comes from
21 the various builds and other tests that were involved.
22 And so all those things were things I reviewed very
23 carefully, and if there were issues that needed
24 clarification or enhancement, I either did them myself
25 or asked them to do -- redo the test.

Veritext Legal Solutions

800-567-8658

973-410-4040

Page 13

1 Q Did Keystone help at all -- or did the people
2 from Keystone help at all with respect to drafting
3 portions of your report?

4 A So everything that's in the report I stand behind
5 and is -- is my work. I created much of the material.
6 I've proofread it. I've edited everything, and so they,
7 of course, would help with things like doing some of the
8 tables, doing some of the -- the tests and so on.

9 Q Sure, but let me just go back to the question.

10 Did Keystone draft any portions of your report?

11 Recognizing that you may have edited it, did they do any
12 drafting of portions of your report?

13 MR. RAMSEY: Objection; form.

14 THE WITNESS: So can you re- -- restate the
15 question.

16 MR. KAMBER: Sure.

17 Q Did Keystone do any drafting of portions of your
18 report, separate and apart from the tables or the
19 figures?

20 A So under my direction, they would do various
21 things, like provide footnotes, look up resources that I
22 wanted to have substantiation for my positions, those
23 kinds of things.

24 Q To prepare for your deposition today, did you
25 review any documents that were not cited in your

Veritext Legal Solutions

800-567-8658

973-410-4040